

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

JANET BAKER and JAMES BAKER,  
JKBAKER LLC and JMBAKER LLC,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING  
CORP., SA),

Defendants.

No.: 04-CV-10501 (PBS)

**JOINT MOTION FOR RECONSIDERATION OF  
PROPOSED BRIEFING SCHEDULE FOR SUMMARY JUDGMENT**

The parties jointly move for reconsideration of this Court's April 19, 2007 order denying the Joint Motion to Extend the Deadline and Set a Briefing Schedule for Summary Judgment, which was filed on April 16, 2007. The parties' proposed briefing schedule sought to ensure that all briefing would be complete prior to the oral argument on the motions for summary judgment, which this Court scheduled for July 24, 2007.

In further support of this joint motion for reconsideration, the parties state as follows:

1. On December 21, 2006, the Court entered an order setting the deadline for summary judgment in this action for April 20, 2007.
2. On April 9, 2007, this Court held a hearing on class plaintiffs' Motion for Entry of Preliminary Approval of Class Action Settlement in Quaak et al. v. Dexia Bank Belgium, No 03-11566-PBS. Counsel for the Plaintiffs in this matter ("Baker's counsel") attended that conference.

3. At the end of that hearing, this Court addressed this matter, and a date of July 24, 2007 was set for the summary judgment argument.<sup>1</sup>

4. Based on the colloquy with the Court and the July 24, 2007 argument date, the parties understood that the briefing schedule requested in their Joint Motion to Extend the Deadline and Set a Briefing Schedule for Summary Judgment reflected an acceptable schedule for this Court. That briefing schedule required summary judgment motions to be filed and served by June 1, 2007. Opposition briefs were to be filed by June 29, 2007, and replies were to be filed by July 17, 2007.

5. An additional reason supporting the proposed briefing schedule is that on April 9, 2007, this Court ordered an alternative dispute resolution conference. The magistrate judge that will be conducting the mediation has scheduled a meeting for May 16, 2007. Setting the proposed briefing schedule, therefore, would allow the parties to focus their time and resources on settling this matter through alternative dispute resolution, without having to expend the not insignificant costs and efforts associated with finalizing and filing summary judgment papers that could turn out to be unnecessary.

6. Of course the parties will set whatever briefing schedule is needed to accommodate the Court.

---

<sup>1</sup> This Court set the hearing date after the following colloquy with counsel:

Ms. Yue: If we built in for replies, your Honor, if we had the motions for summary judgment done by June 1, which was the date Dexia had proposed to us, with opposition briefs and then a reply, we would be into mid-July with the briefing schedule.

The Court: All right, so the third week in July let's have a hearing. I just don't want to start with a whole new law clerk. This case has now hit me through five cycles of law clerks and it's a mess in terms of understanding what happened, right? I don't want to start again, so --

Clerk: July 24 at 2:00 p.m.

**WHEREFORE**, for the reasons stated above, the parties respectfully request that this Court reconsider its order denying the Joint Motion to Extend the Deadline and Set a Briefing Schedule for Summary Judgment, and allow the proposed summary judgment briefing schedule proposed therein.

Dated: April 20, 2007

Respectfully submitted,

**Mintz Levin Cohn Ferris Glovsky & Popeo**

/s/ Breton Leone-Quick  
Peter M. Saparoff (BBO # 441740)  
Breton Leone-Quick (BBO # 655571)  
One Financial Center  
Boston, MA 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

**Clifford Chance US LLP**  
James W. Weidner  
Jeff E. Butler  
31 West 52<sup>nd</sup> Street  
New York, NY 10019-6131  
Tel: (212) 878-8000  
Fax: (212) 878-8375

***Counsel For Defendant Dexia Bank Belgium***

**Partridge, Ankner & Horstman LLP**

/s/ Terence K. Ankner  
Terence K. Ankner, BBO #552469  
(tka@anknerlaw.com)  
200 Berkeley Street, 16th Floor  
Boston, MA 02116  
Telephone: (617) 859-9999

**Boies Schiller & Flexner**

Karen C. Dyer  
George R. Coe  
225 South Orange Avenue, Suite 905  
Orlando, Florida 32801  
Telephone: (407) 425-7118

**Reed Smith LLP**

Alan K. Cotler  
Joan A. Yue  
2500 One Liberty Place 1650 Market Street  
Philadelphia, PA 10103  
Telephone: (215) 851-8100

***Counsel to Plaintiffs Janet Baker, James Baker,  
JKBaker LLC and JMBaker LLC***

**Certificate of Service**

I, Breton Leone-Quick, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on April 20, 2007.

/s/ Breton Leone-Quick

Dated: April 20, 2007